

## CHAPTER 129

### PUBLIC SAFETY AND E911 EMERGENCY COMMUNICATIONS FUNDING

H.F. 651

**AN ACT** relating to expenditures of moneys from the E911 emergency communications fund, other duties of the department of homeland security and emergency management, and other properly related matters, making an appropriation, and including effective date and retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. **29C.23 Statewide land mobile radio communications system.**

\*1. The department, in coordination with the department of public safety and the department of transportation, shall reimburse the provider, as defined in section 34A.2, on a calendar quarterly basis, for actual annual lease costs associated with the operation of a statewide land mobile radio communications system that interfaces with the Iowa interoperability radio platform. The department of administrative services shall select the provider in accordance with section 8A.311.

2. Prior to establishing, leasing, or operating the statewide land mobile radio communications platform, the department of public safety, chief information officer, and the department of transportation shall maximize use of existing private, local, and state infrastructure and equipment, including but not limited to trunked land mobile radio network systems, located anywhere and meeting the standards for project 25 or association of public safety communication officials 25, as defined by the federal communications commission, phase one or phase two interoperable two-way wireless communications systems, if the legislative services agency analyzes such use to be more cost effective.\*

3. The Iowa radio interoperability platform shall be under the joint purview of the department of public safety and the department of transportation. The departments shall jointly submit a biannual report to the Iowa statewide interoperable communications system board beginning July 1, 2016.

\*Sec. 2. Section 34A.7A, subsection 2, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0b. (1) The program manager shall allocate to each joint E911 service board and to the department of public safety a minimum of one thousand dollars per calendar quarter for each public safety answering point within the service area of the department of public safety or joint E911 service board that has submitted an annual written request to the program manager in a form approved by the program manager by May 15 of each year.

(2) The amount allocated under this paragraph "0b" shall be fifty-eight percent of the total amount of surcharge generated per calendar quarter allocated as follows:

(a) Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the service area to the total square miles in this state.

(b) Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 calls taken at the public safety answering point in the service area to the total number of wireless E911 calls originating in this state.

(c) Notwithstanding subparagraph divisions (a) and (b), the minimum amount allocated to each joint E911 service board and to the department of public safety shall be no less than one thousand dollars for each public safety answering point within the service area of the department of public safety or joint E911 service board.

(3) The funds allocated in this paragraph "0b" shall be used for communication equipment utilized for the receipt and disposition of 911 calls.

NEW PARAGRAPH. 00b. The program manager shall allocate moneys pursuant to this paragraph each calendar quarter to joint E911 service boards with public safety answering points within the boards' E911 service areas that enter into agreements to consolidate and

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\* Item veto; see message at end of the Act

to the department of public safety for such public safety answering points. A public safety answering point subject to such an agreement to consolidate shall receive the allocation that the public safety answering point would have received individually pursuant to paragraph "0b" and an additional twenty-five percent of the amount the public safety answering point would have received pursuant to paragraph "0b". A public safety answering point subject to such an agreement to consolidate shall receive moneys pursuant to the allocation in this paragraph at the beginning of the fiscal year following the date of the agreement for a period of three years.\*

Sec. 3. Section 34A.7A, subsection 2, paragraph b, Code 2015, is amended to read as follows:

~~b. For the three year period beginning~~ From July 1, 2013, and ending June 30, 2016 until June 30, 2026, the program manager shall allocate ~~thirteen~~ ten percent of the total amount of surcharge generated to wireless carriers to recover their costs to deliver E911 phase 1 services. If the allocation in this paragraph is insufficient to reimburse all wireless carriers for such carrier's eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of such carrier's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which such expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph.

\*Sec. 4. Section 34A.7A, subsection 2, paragraph e, Code 2015, is amended by striking the paragraph.\*

Sec. 5. Section 34A.7A, subsection 2, paragraph f, Code 2015, is amended to read as follows:

f. If moneys remain in the fund after fully paying all obligations under paragraphs "a", "0b", "00b", "b", "c", and "d", and "e", the remainder may be accumulated in the fund as a carryover operating surplus. This The program manager, in consultation with the E911 communications council, shall allocate an amount, not to exceed one hundred thousand dollars per fiscal year, for development of public awareness and educational programs related to the use of 911 by the public, educational programs for personnel responsible for the maintenance, operation, and upgrading of local E911 systems, and the expenses of members of the E911 communications council for travel, monthly meetings, and training. The remaining surplus shall be used to fund future network and public safety answering point improvements for the receipt and disposition of 911 calls, including hardware and software for an internet protocol-enabled next generation network, and wireless carriers' transport costs related to wireless E911 services, if those costs are not otherwise recovered by wireless carriers through customer billing or other sources and approved by the program manager in consultation with the E911 communications council. Notwithstanding section 8.33, any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

#### Sec. 6. EMERGENCY COMMUNICATIONS SERVICE SURCHARGE FUND APPROPRIATION.

1. Conditioned upon the enactment of section 29C.23, as enacted in this Act, there is appropriated from the carryover operating surplus described in section 34A.7A, subsection 2, paragraph "f", of the E911 emergency communications fund to the department of homeland security and emergency management for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For reimbursement of the provider for actual annual lease costs associated with the operation of a statewide land mobile radio communications platform pursuant to section 29C.23:

..... \$ 4,000,000

\* Item veto; see message at end of the Act

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2016.

Sec. 7. EFFECTIVE UPON ENACTMENT — CONDITION. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 8. RETROACTIVE APPLICABILITY — CONDITION. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 651, an Act relating to expenditures of moneys from the E911 Emergency Communications Fund, other duties of the department of homeland security and emergency management, and other properly related matters, making an appropriation, and including effective date and retroactive applicability provisions.

House File 651 is approved on this date with the following exceptions, which I hereby disapprove.

My administration and the Iowa legislature worked in a bipartisan manner this session to provide the first \$4 million payment to build a statewide interoperable public safety communications system. This statewide system will allow all public safety officers across the state to operate in an efficient and effective manner, providing services to best protect the citizens of our state. This system is critically needed in Iowa, and it is needed now. Many other states, including all neighboring states, have a statewide system and the funds provided in this legislation are a step in the right direction. The funding provided by the legislature is necessary to show the Federal Communications Commission (FCC) the progress Iowa is making in terms of developing a statewide operable and interoperable network in order to maintain the 700 MHz spectrum license.

The Department of Administrative Services (DAS) issued a request for proposal (RFP) to build the statewide system and awarded the bid in 2014 to the lowest bidder. Officials from state, city and county government agencies have expressed support for the statewide interoperable system. This system will provide both short and long-term costs savings for all levels of government.

I am unable to approve the item designated as Section 1, subsection 1, in its entirety. This policy statement describes the department's process for selection of a provider. In order to ensure that fairness as well as a deep level of expertise were applied to this request and the evaluation of the responses, DAS contracted with an independent contractor that has experience at both the federal and state level in communications engineering. DAS awarded the RFP in 2014; therefore, this language is unnecessary. Further, the definition of provider in this item is incorrect and an error. Finally, this item contains incorrect terminology. It references the "actual annual lease costs associated with the operation of a statewide land mobile radio communications system that interfaces with the Iowa interoperability radio platform." There is no "platform" that is separate from the system, and thus the item would only create confusion and could frustrate the completion of the statewide system.

I am unable to approve the item designated as Section 1, subsection 2, in its entirety. Prior to the issuance of the RFP, DAS, in consultation with a subject matter expert, developed an

RFP for the delivery of a statewide interoperability platform. The market-based responses received from the private sector confirmed the most efficient and effective method of delivery of the platform in compliance with the FCC mandates and Iowa Code. This information is available to both the public and the legislature. The language in this item is redundant of the statewide procurement process that has already occurred. If the procurement process is repeated, any delay would jeopardize the state's 700 MHz spectrum license. Therefore, this language is unnecessary.

I am unable to approve the item designated as Section 2, in its entirety. This item would modify the current E911 pass-through rates from a sustainable 46% to 58%, a rate that could put the solvency of the fund in jeopardy. I believe some increase may be appropriate in the future; however, the increase proposed in this bill is premature. The Department of Homeland Security and Emergency Management is conducting a legislatively-required study on this very topic, and any increase in the rate should only increase upon the completion of the study. Additionally, the rate that is set should be sustainable. Also, I strongly support the consolidation of redundant government services; however, there is no evidence that this proposed incentive would work, and I look forward to working with the legislature in developing a model that would find efficiencies.

I am unable to approve the item designated as Section 4, in its entirety. This item is unnecessary due to my veto in Section 2. My disapproval of this section allows Public Safety Answering Points (PSAPs) to continue to receive their current rate of pass-through funding from this fund.

I am unable to approve the designated portions of the item designated as Section 5, lettered paragraph f. These portions are unnecessary due to my veto in Section 2.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 651 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, *Governor*